

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-3-20
NORTHEAST STATE TECHNICAL COMMUNITY COLLEGE
STUDENT DISCIPLINARY RULES**

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0240-3-20-.01 INSTITUTION POLICY STATEMENT.

- (1) Community College students are citizens of the state, local, and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to the College carries with it special privileges and responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the Institution and the academic community which it seeks to serve, the Tennessee Board of Regents has authorized the Presidents of the Institutions under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the Institution has developed the following Regulations which are intended to govern student conduct on the campus. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the Institution's pursuit of its educational objectives, the Institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violations of any section of these Regulations may subject a student to disciplinary measures by the Institution whether or not such conduct is simultaneously volatile of state, local or national laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rules first filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993.

0240-3-20-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the Institution's pursuit of its educational objectives which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well being. Such actions include, but are not limited to, physical abuse or immediate threat of abuse;

(Rule 0240-3-20-.02, continued)

- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively loud, disorderly, or which disturbs other groups or individuals.
- (d) Obstruction of or interference with Institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program event, or facilities, including the following:
 - 1. Any unauthorized occupancy of Institution or institutionally controlled facilities or blockage of access to or from such facilities.
 - 2. Interference with the right of any Institution member or other authorized person to gain access to any Institution or institutionally controlled activity, program, event or facilities.
 - 3. Any obstruction or delay of a campus security officer, fireman, or any institutional official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the Institution in but not limited to, fire alarms, fire equipment, elevators, telephones, Institution keys, library material and/or safety devices; and any such act against a member of the Institution community or a guest of the Institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or sale of institution property or any such act against a member of the Institution community or a guest of the Institution;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of Institution documents, forms, records or identification cards, including the giving of any false information, or withholding necessary information in connection with a student's admission, enrollment status in the Institution;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind is prohibited;
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which could cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic beverages. The use, possession, distribution, sale, or manufacture of alcoholic beverages or public intoxication on property owned or controlled by the college, at college sponsored events, on property owned or controlled by an affiliated clinical site, or violation of any terms of the Northeast State Technical Community College Drug Free Schools and Community Policy Statement.

(Rule 0240-3-20-.02, continued)

- (k) Drugs. The unlawful use, possession, distribution, sale, or manufacture of any drug or controlled substance (including any stimulant, depressant, narcotic, hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over the counter" drugs on property owned or controlled by the college; at a college sponsored event; on property owned or controlled by an affiliated clinical site; or in violation of any terms of the Northeast State Technical Community College Drug-Free School and Community Policy Statement.
 - (l) Gambling. Gambling in any form;
 - (m) Financial responsibility. Failure to meet financial responsibilities to the Institution promptly including, but not limited to, passing a worthless check or money order in payment to the Institution or to a member of the institution community acting in an official capacity;
 - (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior or the giving of false testimony or other evidence at any hearing;
 - (o) Failure to cooperate with Institution officials. Failure to comply with directions of Institution officials acting within the performance of their duties;
 - (p) Attempt and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
 - (q) Violations of state or federal laws. Any violation of state or federal laws or regulations of state or federal laws or regulations proscribing conduct or establishing offenses; which laws and regulations are incorporated herein by reference. State law prescribes a maximum penalty of five (5) years imprisonment and a fine not to exceed \$2,500 for carrying weapons on school property;
 - (r) Violations of the general rules and regulations of the Institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
 - (s) Littering. Dispersing litter in any form onto the grounds or facilities owned or controlled by the Institution.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the mission, processes and functions of the Institution. In addition, disciplinary action may be taken on the basis of any conduct on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) Violations of Computer Resource Guidelines. Violators of the college computer use guidelines will be subject to immediate suspension of their user account; referral to police agencies in the case of suspected federal or state law violations; loss of computing access privileges; and possible suspension or expulsion from the college.

Authority: T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Original rule filed August 18, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993.

(Rule 0240-3-20-.02, continued)

Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed June 28, 2005; effective October 28, 2005.

0240-3-20-03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and the maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the Institution. Extended or permanent exclusion can be effected only through appropriate procedures of the Institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other disciplinary sanctions which may be imposed through institutional procedures, the instructor has the authority to assign a grade of 'F' or 'O' for the exercise or examination or to assign an 'F' for the final grade of the course. If a student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed June 28, 2005; effective October 28, 2005.

0240-3-20-.04 DISCIPLINARY SANCTIONS.

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate Institution official.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the Institution or other owner for damage to misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Warning. The appropriate Institution official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the students in any way, but does have important consequences. It may signify to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institutional community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for a period of one year.
 - (d) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be presented at the Institute in any way, denial of use of facilities, parking privileges, or participation in extracurricular activities for a maximum of one year.

(Rule 0240-3-20-.04, continued)

- (e) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
 - (f) Suspension. If a student is suspended, he or she is separated from the Institution for a stated period of time with conditions of readmission stated in the notice of suspension.
 - (g) Expulsion. Expulsion entails a permanent separation from the Institution. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to his or her readmission to the Institution.
 - (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of the regulations should not be altered until a final determination has been made in regard to the charges against him/her, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institutional community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.
 - (i) Mandatory participation in and satisfactory completion of a drug or alcohol abuse program, or rehabilitation program.
- (3) The President of the Institution is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed January 11, 2002; effective May 31, 2002.

0240-3-20-.05 DISCIPLINARY PROCEDURES.

- (1) General Statement. Northeast State Technical Community College fully recognizes the constitutional rights of students to be afforded due process and equal protection in situations wherein a violation of institutional regulations has been alleged and the possibility of sanctions is present.
- (2) Hearing Procedures Available.
 - (a) Tennessee Uniform Administrative Procedures Act (TUAPA) may be applicable in cases involving suspension or expulsion of a student, or revocation of recognition of a student organization, for misconduct or disciplinary reasons.
 - (b) All cases which are not subject to the contested case procedures under the TUAPA and all cases in which the student has waived the contested case procedures in writing shall be disposed of in accordance with the Institutional Disciplinary Procedure.

(Rule 0240-3-20-.05, continued)

- (3) Institutional Disciplinary Procedures. Persons who allege that a student has violated certain institutional rules or regulations or ordinances or laws of the city, county, state or federal government must make these charges known to the President, Vice President for Academics and Student Affairs or Assistant Vice President of Student Affairs as soon as possible after the alleged violation occurs. If it is determined that there is probable cause that the violation occurred, the Assistant Vice President of Student Affairs will notify the student in writing by mail or in person at least five working days prior to a hearing. The notice will include:
 - (a) The specific charge, the rule violated, possible sanctions that could be imposed.
 - (b) Notice of a hearing before the Student Discipline Committee including the date, place and time of the meeting.
 - (c) The student may have an advisor present at the hearing. The advisor may not participate in or address the hearing unless permission is granted by the chairperson.
 - (d) Material evidence may be presented and the student may cross-examine the witness(es).
 - (e) The student shall be entitled to be present throughout the presentation of evidence, to know the identity of witness(es) against him or her and to present evidence including witness(es) who may speak on the student's behalf.
 - (f) A verbatim record of the hearing will be made available to the student upon request.
 - (g) The Student Discipline Committee will submit a recommendation to the Assistant Vice President of Student Affairs who will determine appropriate disciplinary or other action.
 - (h) The student may appeal this decision to the Vice President for Academic and Student Affairs and if needed, the President of the college. The President's decision is final except in those cases in which appeal is provided, by policy, to the Tennessee Board of Regents.
- (4) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
 - (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed June 28, 2005; effective October 28, 2005.

0240-3-20-.06 TRAFFIC AND PARKING REGULATIONS.

- (1) General Regulations.
 - (a) The speed limit for all vehicles is 15 m.p.h.
 - (b) Pedestrians always have the right of way.

(Rule 0240-3-20-.06, continued)

- (c) Vehicles must come to a complete stop at stop signs.
- (d) Loading zones are reserved for 20 minute loading and unloading only.
- (e) Unnecessary noise from horns or mufflers is prohibited.
- (f) Parking is permitted only in areas designated for parking.
- (g) Vehicles parked in fire lanes and loading zones will be towed at owner's expense. Fire lanes are designated as all curbed areas adjacent to any building on campus.
- (h) Accidents must be reported to campus police.
- (i) Littering of parking areas is prohibited.
- (j) Loud disruptive music is prohibited.
- (k) Students, staff and faculty are not permitted to park in any space designated for visitors.

(2) Parking Zones.

- (a) Student parking is permitted only in designated areas.
- (b) Staff parking areas are reserved for staff.
- (c) Visitor parking areas are reserved for visitors only.
- (d) Disabled parking areas are reserved for vehicles displaying a Northeast State- issued disabilities decal. Students, staff, and faculty seeking a Northeast State disabilities decal must register with the campus police office.
- (e) All parking should be done in such a manner as not to interfere with general traffic flow nor impede another properly parked vehicle. Parking on grass is prohibited.
- (f) Parking on weekends and after 5:00 p.m. on weekdays is permissible in all lots except those designated as handicap, fire lanes and 24 hour Faculty/Staff.
- (g) Visitors and guests receiving citations should return them to the Director of Police and Safety.

(3) Penalties.

- (a) The fine for parking and registration violation:
 - 1. First.....\$10.00
 - 2. Second.....\$15.00
 - 3. Third.....\$25.00
 - 4. Fourth and each subsequent ticket.....\$50.00
- (b) All violations of parking in the areas designated for handicapped parking will result in a fine of \$100.00 or a fine amount established by Tennessee State law.
- (c) Speeding or reckless driving.....\$50.00

(Rule 0240-3-20-.06, continued)

(4) Payment of fines.

- (a) Fines are payable to the Northeast State Business Office. Normal Business Office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday. Fines may also be paid by mail.
- (b) Non-payment of fines will result in an encumbrance of the student's records, preventing release of transcripts and/or grade reports. Further registration at Northeast State will be prohibited until fines have been satisfied.

(5) Student Traffic Court.

(a) Structure.

- 1. The Northeast State Student Traffic Court hears student cases of traffic violations evolving from the violation of the Traffic and Parking Regulations on the campus.
- 2. The Student Traffic Court shall have a residing Chief Justice, an Associate Chief Justice, and four (4) Justices selected from the student body by a Selection Committee through an application and interview process. The term of appointment for Justices will be for no more than two (2) semesters or until the date of their graduation unless otherwise prohibited.
- 3. The Selection Committee appointing the Justices shall consist of the outgoing Chief Justice of the Student Traffic Court, the Coordinator of Student Development and Activities, the Director of Police and Safety, and the Vice President for Student Affairs or his/her designee.
- 4. The Chief Justice shall set the dates each semester for all traffic courts and notify the Justices.
- 5. The administrative advisor to the Student Traffic Court shall be the Student Information Coordinator or his designated representative.
- 6. The Chief Justice shall be responsible for keeping Court records.
- 7. Traffic Court dates shall be posted at the office of Police and Safety.

(b) Appeals Function.

- 1. The Northeast State Student Traffic Court shall hear only student cases which are contested. Students may contest citations during regular Traffic Court sessions or through an online appeal process. [Exception: Citations for parking in a handicap zone must be appealed to the Vice President for Business Affairs through the Director of Police and Safety.]
- 2. Student Justices receiving citations may contest the citations before the Student Traffic Court. However, their cases can be heard only on a court date on which they are not actively serving.
- 3. The decision of the Court shall be final. In no case will an appeal be considered on the basis that the Court's decision was too severe. The Vice President for Student Affairs may approve a rehearing of a case upon presentation of new significant evidence or substantiated allegations of due process violations. Such

(Rule 0240-3-20-.06, continued)

evidence must be presented to the Vice President for Student Affairs along with a written request to rehear the case within forty-eight (48) hours of the original verdict.

4. Students contesting citations are required to present the citation to the Student Traffic Court on the date of their regular session hearing. If a student fails to appear before the Student Traffic Court, the right to a hearing is forfeited and the charges and fine affixed.
5. A Traffic Citation Appeals Committee shall hear appeals of extreme cases deemed outside the scope of the online and/or regular Student Traffic Court sessions. Membership of the committee shall consist of the Student Traffic Court Chief Justice (or a designate), one administrative/staff representative, and one faculty representative. The decision of the Traffic Citation Appeals Committee is final with no further appeal process.
6. Parking and traffic violation cases involving employees may be appealed to the Vice President for Business Affairs.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008.

0240-3-20-.07 MOTOR VEHICLE REGISTRATION.

- (1) All motor vehicles used on Northeast State Campus by students, faculty, staff or other employees must be registered with the College as required by the Tennessee Board of Regents. The annual registration period begins September 1, and extends through August 31 of the following year. Hang tags will be available for issue by August 1 of each year.
- (2) Procedure.
 - (a) Students taking one or more courses will be issued a parking hang tag by the Security Office upon presentation of current fee receipt and completion of the campus vehicle registration form. This form will include name, social security number and address of the applicant and the make, model, color and license number of the vehicle(s).
 - (b) A campus security access fee will be assessed each term for each student and employee. This fee will be assessed in addition to maintenance and registration fees. The parking hang tags will be issued at no cost. Replacement tags are available at no cost.
 - (c) A campus access fee will be assessed each term for each student. This fee will be assessed in addition to maintenance and registration fees. Employees will be assessed a campus access fee each year. One parking hang tag will be issued to each student and employee at no cost. A second parking hang tag may be requested by students or employees at an additional charge as set forth in the other fees and charges recommended by the college and approved by the Tennessee Board of Regents in accordance with TBR Guideline B-060:VIII:B(2).
- (3) All vehicles parking on Northeast State property must have a current parking hang tag.

(Rule 0240-3-20-.07, continued)

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007.